

Message

From: Bertrand, Charlotte [Bertrand.Charlotte@epa.gov]
Sent: 2/11/2019 2:39:42 PM
To: Beck, Nancy [Beck.Nancy@epa.gov]; Dunn, Alexandra [dunn.alexandra@epa.gov]
Subject: Fwd: Interagency Review: EPA's National Management Plan on PFAS for Human Health
Attachments: PFAS Action Plan MASTER_02.10.19_11pm_no photos.docx; ATT00001.htm; EPA_PFAS Action Plan_12_13_18 to 2_10_19.docx; ATT00002.htm

Sending to make sure you all have this version

Sent from my iPhone

Begin forwarded message:

From: "Burneson, Eric" <Burneson.Eric@epa.gov>
Date: February 11, 2019 at 9:31:44 AM EST
To: "Albert, Ryan" <Albert.Ryan@epa.gov>, "Foster, Stiven" <Foster.Stiven@epa.gov>, "Gillespie, Andrew" <Gillespie.Andrew@epa.gov>, "Freed, Elisabeth" <Freed.Elisabeth@epa.gov>, "Hanselman, Erik" <Hanselman.Erik@epa.gov>, "Wehling, Carrie" <Wehling.Carrie@epa.gov>, "Starfield, Lawrence" <Starfield.Lawrence@epa.gov>, "Nickerson, William" <Nickerson.William@epa.gov>, "Behl, Betsy" <Behl.Betsy@epa.gov>, "Tiago, Joseph" <Tiago.Joseph@epa.gov>, "Henry, Tala" <Henry.Tala@epa.gov>, "Wadlington, Christina" <Wadlington.Christina@epa.gov>, "Clark, Becki" <Clark.Becki@epa.gov>, "Bertrand, Charlotte" <Bertrand.Charlotte@epa.gov>, "McLain, Jennifer" <McLain.Jennifer@epa.gov>
Cc: "Raffaele, Kathleen" <raffaele.kathleen@epa.gov>, "Dalzell, Sally" <Dalzell.Sally@epa.gov>, "Azad, Ava" <Azad.Ava@epa.gov>, "Leff, Karin" <Leff.Karin@epa.gov>, "Mackey, Cyndy" <Mackey.Cyndy@epa.gov>, "Bailey, Ethel" <Bailey.Ethel@epa.gov>, "Loving, Shanita" <Loving.Shanita@epa.gov>, "Lan, Alexis" <lan.alexis@epa.gov>, "Gardenier, George" <Gardenier.George@epa.gov>, "Lewis, Jen" <Lewis.Jen@epa.gov>, "Messier, Dawn" <Messier.Dawn@epa.gov>
Subject: RE: Interagency Review: EPA's National Management Plan on PFAS for Human Health

Colleagues:

Attached for your information are the files we transmitted to OMB last evening after incorporating feedback from program AA's. Please note that the redline comparison is between the original EPA submission to OMB December and the revised document we transmitted last evening. Also note that the photos were removed from both files to enable the documents to get through other agency's firewalls.

As noted below two issues have been elevated to our senior leadership to work with their OMB/ DOD and NASA counterparts on. Additionally we expect OMB will raise concerns about the characterization of the drinking water regulatory determination.

Our leadership has stated their deadline for clearance of this action today. **Therefore we ask that you be available to quickly resolve any staff level issues that may arise today as a result of our response to OMB.**

Thanks for all of your efforts these past few days, we have appreciated all of the time and focus you have given to this important action

Eric Burneson, P.E.
Director of Standards and Risk Management
Office of Ground Water and Drinking Water

From: Burneson, Eric

Sent: Friday, February 08, 2019 6:13 PM

To: Albert, Ryan <Albert.Ryan@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Freed, Elisabeth <Freed.Elisabeth@epa.gov>; Hanselman, Erik <hanselman.erik@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Behl, Betsy <Behl.Betsy@epa.gov>; Tiago, Joseph <Tiago.Joseph@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Wadlington, Christina <Wadlington.Christina@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>; Mclain, Jennifer <Mclain.Jennifer@epa.gov>
Cc: Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Bailey, Ethel <Bailey.Ethel@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Lan, Alexis <lan.alexis@epa.gov>; Gardenier, George <Gardenier.George@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>

Subject: RE: Interagency Review: EPA's National Management Plan on PFAS for Human Health

Colleagues:

I wanted to update you on the status of our call with OMB regarding the 4 “show stopper” issues we identified for them based upon your input:

1. We are elevating the enforcement issues particularly those raised by NASA and DOD. OECA leadership should anticipate discussions over the weekend. Please note however that we did indicate that some of the edits that OMB offered might be addressed by some additional statutory language describing the enforcement authority.
2. We are elevating the issue regarding the characterization of the Agency’s commitment to complete a hazardous listing under CERCLA. OLEM leadership should anticipate discussions over the weekend.
3. We are not elevating the issue regarding EPA leadership. We will not be accepting NIH edits regarding attempting to collaborate and we will avoid designating which Agency will lead /co lead risk communication actions
4. We are not elevating the issue regarding the tone/priority of the PFAS risk, we will work to provide edits to the OMB language that convey the priority and understanding of risks regarding PFAS.

Next Steps:

- Elevation discussions at Sr. Policy Level on issues 1 and 2 above will take place this weekend. Contact Bill Nickerson if you have questions about elevation process.
- OW will consolidate input received from your office regarding changes edits proposed and will distribute a revised Redline to AAs and a cc this group on Sunday for clearance.
- We intend to submit a redline document back to OMB early Monday morning to enable clearance of the document that day..

Thanks for your continued assistance with this important action

Eric Burneson, P.E.
Director of Standards and Risk Management
Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency
202 564 5250

From: Burneson, Eric

Sent: Friday, February 08, 2019 2:50 PM

To: Albert, Ryan <Albert.Ryan@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Freed, Elisabeth <Freed.Elisabeth@epa.gov>; Hanselman, Erik <hanselman.erik@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Behl, Betsy <Behl.Betsy@epa.gov>; Tiago, Joseph <Tiago.Joseph@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Wadlington, Christina <Wadlington.Christina@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>

Cc: Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Bailey, Ethel <Bailey.Ethel@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Lan, Alexis <lan.alexis@epa.gov>; Gardenier, George <Gardenier.George@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>

Subject: RE: Interagency Review: EPA's National Management Plan on PFAS for Human Health

Colleagues:

Attached for your information is a summary of the "show stopper" issues we intend to inform OMB about in a call at 4:30. This list is based upon the input you provided to us this morning (thank you). Please let us know if you would like to be a part of that conversation (particularly our OLEM and OECA colleagues, you may find it informative to hear what if any reaction we get from OMB.) Thanks to you all for your continued assistance on this important priority.

Eric Burneson, P.E.
Director of Standards and Risk Management
Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency
202 564 5250

From: Burneson, Eric

Sent: Friday, February 08, 2019 9:25 AM

To: Albert, Ryan <Albert.Ryan@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Freed, Elisabeth <Freed.Elisabeth@epa.gov>; Hanselman, Erik <hanselman.erik@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Behl, Betsy <Behl.Betsy@epa.gov>; Tiago, Joseph <Tiago.Joseph@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Wadlington, Christina <Wadlington.Christina@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>

Cc: Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Bailey, Ethel <Bailey.Ethel@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Lan, Alexis

<lan.alexis@epa.gov>; Gardenier, George <Gardenier.George@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>

Subject: RE: Interagency Review: EPA's National Management Plan on PFAS for Human Health

Many thanks to Ryan and Alex for their late night/early morning work to compile the key issues from OMB, HHS, NASA and DoD into the message below and the document that Ryan attached to the email. We recommend you focus on the issues identified in Ryan's email below and in the document Ryan sent at 5:43.

In the interest of sharing all the information from our Federal partners I am attaching comments that came in later last evening from our Federal Partners.

- The DoD comments are summarized in Ryan's email but were not transferred into the document he attached.
- The DOE comments came in even later and are not captured in Ryan's summary

For those of you who may be struggling to distinguish the NASA, DOD and HHS edits from the EPA proposed edits please note that Alex Lan had the following helpful tip that worked very well for me

- hit review → show markup → specific people → turn off EPA comments

Thanks again and please remember our request for

1. Identify "show stopper " issues that require elevation to Senior Managers ASAP but Not later than 11:00 am
2. Identify those edits /comments we can incorporate or address by COB

Eric Burneson, P.E.
Director of Standards and Risk Management
Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency
202 564 5250

From: Albert, Ryan

Sent: Friday, February 08, 2019 5:43 AM

To: Burneson, Eric <Burneson.Eric@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Freed, Elisabeth <Freed.Elisabeth@epa.gov>; Hanselman, Erik <hanselman.erik@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Behl, Betsy <Behl.Betsy@epa.gov>; Tiago, Joseph <Tiago.Joseph@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Wadlington, Christina <Wadlington.Christina@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>

Cc: Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Bailey, Ethel <Bailey.Ethel@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Lan, Alexis <lan.alexis@epa.gov>; Gardenier, George <Gardenier.George@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>

Subject: RE: Interagency Review: EPA's National Management Plan on PFAS for Human Health

Importance: High

Hi all,

We have completed an initial OGWDW staff-level review of the four incoming interagency comments. **Attached and provided for your support as you deem appropriate, please find a copy of the OMB comments incorporating thoughts from this initial review.** Insertions that seem fairly safe are highlighted green, those that are yellow are those that (1) are flagged for a different office's review (or second review in our office) or (2) those that I made edits to OMB suggestions and will need a second set of eyes, and the few highlighted pink are those we may want to consider politely rejecting or suggesting alternatives.

I put flags in comment bubbles for offices (and occasionally individuals by name) where a comment may be most relevant to a given program office. There are flags highlighted yellow for OLEM, OPPT, ORD, OST, ORD, OECA, and a few other single flagged comments that I have followed up with or will follow up with folks this morning. While these flags by no means limit you to only these comments, I hope they assist you in quickly identifying which comments are most relevant and/or focused on your programs.

Additionally, based on our initial reviews of DOD and NASA comments, these comments seem to be almost exclusively focused on enforcement. OECA will have a significant role in our consideration of these comments and response. For supporting your review, please those DOD and NASA enforcement related comments extracted in text at the end of this email.

Finally, to be sure Eric's request on review goals and deadlines are not lost, I am copying and pasting here:

1. Identify "show stopper " issues that require elevation to Senior Managers ASAP but Not later than 11:00 am Friday morning (tomorrow)
2. Identify those edits /comments we can incorporate or address by COB Friday (tomorrow).

Please let us Eric, Alex (cc'd above), or me know if you have any questions or need any additional support to meet the timeline above.

Thank you,
Ryan

Below is a list of the suggested language changes from DOD and NASA (in red).

From DOD

- Page 3:
 - o Change "Using enforcement actions to manage PFAS risk, where appropriate" to
 - o "Identifying enforcement tools to help manage PFAS risk, where appropriate"
- Table 1:

Continue to develop enforcement strategy approach for responsible parties accountability for PFAS releases into the environment	Implement the developed enforcement strategy and tools relying on state and local authorities and federal authorities as appropriate.	Any federal regulation, exiting or developed for the enforcement approach relies on data, defined technology applications and authorities.	Ongoing
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- Introduction, page 2:
 - o Change "The Agency will work with partners to accomplish these goals through pollution prevention, characterization and remediation of contamination in the environment,

evaluation of human health and ecological risks, reducing exposures, development of treatment and remediation technologies, dissemination of risk communication materials, identification of safer alternatives, and use of enforcement authorities and regulatory approaches as appropriate.” to

- “The Agency will work with partners to accomplish these goals through pollution prevention, characterization and remediation of contamination in the environment, evaluation of human health and ecological risks, reducing exposures, development of treatment and remediation technologies, dissemination of risk communication materials, identification of safer alternatives, use of developed enforcement strategies and tools and regulatory approaches as appropriate.”
- Section III, under SDWA
 - Change “The EPA has authority under section 1431 of the SDWA to take actions to protect public health....” to
 - “As a component of EPA’s development of enforcement strategies and tools, EPA will consider application of its authority under section 1431 of the SDWA to take actions to protect public health...”
- Section 6, page 21
 - Change “The EPA is focused on identifying and addressing PFAS exposures in order to protect people and communities from exposures..” to
 - “To identify and address PFAS exposures, the EPA is developing an integrated approach including expanded data collection, exposure assessment and a federal enforcement strategy and tools. The EPA is focused on identifying and addressing PFAS exposures in order to protect people and communities from exposures...”
- Section 6, page 27
 - Add new sentence “EPA is developing enforcement strategies and tools with data and regulatory authorities to implement regulatory response, where appropriate.”
- Page 2, in call out box (Key EPA Actions Addressing PFAS-Related Challenges):
 - Change “Use enforcement tools to address PFAS exposure in the environment and assist states in enforcement activities” to
 - “Develop enforcement strategies and tools to address PFAS exposure in the environment and assist states in enforcement activities”

From NASA

- Page 3
 - Change “Using enforcement actions to help manage PFAS risk, where appropriate.” To
 - “Identifying enforcement actions to help manage PFAS risk, where appropriate”
- Table 1, page 7

Develop federal enforcement strategies and approaches, based on data and relevant enforcement authorities	Employ an enforcement strategy that relies first on state and local authorities and utilizes federal authorities as appropriate where, for example, state and local authorities are not available or responsible parties do not address PFAS voluntarily.	Support communities facing endangerment from PFAS releases by using federal enforcement authorities, where appropriate.	Ongoing
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- Table 1, page 8

Continue to develop federal enforcement strategies and approaches, based on data and relevant federal authorities, where appropriate	Implement the developed enforcement strategies and tools, relying on state and local authorities and federal authorities, where appropriate	Any federal regulation, existing or developed for the enforcement approaches relies on data, defined technological applications, and authorities. Promulgated national ELGs for a specific industry where PFAS is controllable would require a technology-based, minimum level of control in any NPDES permit for direct discharge or be directly applicable for indirect dischargers.	Propose ELG Plan in 2019; finalize ELG Plan in 2020.
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- Section 3, page 10, under SDWA
 - o Change sentence “The EPA has authority under section 1431 of the SDWA...” to
 - o “As a component of EPA’s development of enforcement strategies, EPA will consider application of its authority under section 1431 of SDWA...”
- Section 6, page 21
 - o Add sentence “To identify and address PFAS exposures, the EPA is developing an integrated approach, including expanded data collection, exposure assessment, and federal enforcement strategies and tools.”
- Section 6, page 27
 - o Add sentence “EPA is developing enforcement strategies and tools supported by data and regulatory authorities to implement regulatory responses, where appropriate.”
- Section 6, page 28
 - o Change sentence “If a source (or sources) can be identified, then actions can be taken to remediate, reduce...” to
 - o “If a source (or sources) can be identified, then the developed enforcement strategies inform actions that can be taken to remediate, reduce...”
- Page 2, in call out box (Key EPA Actions Addressing PFAS-Related Challenges):
 - o Delete bullet “Address PFAS in drinking water, using regulatory and other tools”
 - o Add new bullet “Develop enforcement strategies and tools to address PFAS exposures in the environment and assist states in enforcement activities”

Best regards,
Ryan

From: Burneson, Eric

Sent: Thursday, February 07, 2019 6:16 PM

To: Albert, Ryan <Albert.Ryan@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Foster, Stiven <Foster.Stiven@epa.gov>; Gillespie, Andrew <Gillespie.Andrew@epa.gov>; Freed, Elisabeth <Freed.Elisabeth@epa.gov>; Hanselman, Erik <hanselman.erik@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Nickerson, William <Nickerson.William@epa.gov>; Behl, Betsy <Behl.Betsy@epa.gov>; Tiago, Joseph <Tiago.Joseph@epa.gov>; Henry, Tala <Henry.Tala@epa.gov>; Wadlington, Christina <Wadlington.Christina@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Bertrand, Charlotte <Bertrand.Charlotte@epa.gov>

Cc: Raffaele, Kathleen <raffaele.kathleen@epa.gov>; Dalzell, Sally <Dalzell.Sally@epa.gov>; Azad, Ava <Azad.Ava@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>;

Bailey, Ethel <Bailey.Ethel@epa.gov>; Loving, Shanita <Loving.Shanita@epa.gov>; Lan, Alexis <lan.alexis@epa.gov>; Gardenier, George <Gardenier.George@epa.gov>; Lewis, Jen <Lewis.Jen@epa.gov>; Messier, Dawn <Messier.Dawn@epa.gov>

Subject: FW: Interagency Review: EPA's National Management Plan on PFAS for Human Health

Colleagues:

I am forwarding the OMB comments we just received on the PFAS Action Plan that we provided back to Inter Agency Reviewers earlier this week. I will forward shortly two more emails containing comments from HHS and NASA. We need your assistance reviewing these comments to:

1. Identify "show stopper" issues that require elevation to Senior Managers ASAP but Not later than 11:00 am Friday morning (tomorrow)
2. Identify those edits /comments we can incorporate or address by COB Friday (tomorrow).

I will rely on your judgment to identify the issues within your respective program areas. I appreciate that these are tight deadlines and thank you in advance for your focus on this important task.

Eric Burneson, P.E.
Director of Standards and Risk Management
Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency
202 564 5250

From: Jones, Danielle Y. EOP/OMB <Danielle_Y_Jones@omb.eop.gov>

Sent: Thursday, February 07, 2019 5:54 PM

To: Nickerson, William <Nickerson.William@epa.gov>

Cc: Albert, Ryan <Albert.Ryan@epa.gov>; McClain, Jennifer <McClain.Jennifer@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Schwab, Margo EOP/OMB <Margo_Schwab@omb.eop.gov>

Subject: Interagency Review: EPA's National Management Plan on PFAS for Human Health

Hi Bill,

Please find attached, OMB's edits (many with comment bubbles). We made our edits to the PFAS Management Plan_200519_forOMB_clean.docx. We thought it would be most helpful to identify any additional edits on this version.

I will be sending the other agency comments in separate emails.

I will be in the office tomorrow afternoon from 2ish to 6 pm in case you would like to discuss.

Best,
Danielle

Danielle Y. Jones
Senior Policy Analyst
Office of Management and Budget
Phone: (202) 395-1741 | djones@omb.eop.gov